

Chapter 75

CURFEW

[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant at time of adoption of Code; see Ch.1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Public entertainment — See Ch. 80.
Parks — See Ch. 116.

§ 75-1. Statutory authority.

The following is adopted pursuant to the authority vested by the Annotated Code of Maryland, Article 23A, § 2(b)(9), as amended, compiled, edited, restated and published in Article 17 of the Public Local Laws of Maryland.

§ 75-2. Title.

This chapter shall be known and may be cited as the "Chapter Regulating the Presence and Conduct of Minors on Streets and Public Places."

§ 75-3. Definitions and word usage.

- A. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

CITY — The City of Seat Pleasant.

CUSTODIAN — Any person over the age of 21 who is in loco parentis to a juvenile.

GUARDIAN — Any person, other than a parent, who has legal guardianship of a minor.

MINOR — Any person under the age of 18.

PARENT — The natural or adoptive parent of a minor.

PUBLIC PLACE — Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A "public place" shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, shopping center and

any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

§ 75-4. Hours.

It shall be unlawful for any minor to remain idle or to wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the city between the hours of 10:00 p.m. and 5:00 a.m., Sunday through Thursday, and between the hours of 11:00 p.m. and 5:00 a.m., Friday through Saturday, unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his/her parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

§ 75-5. Responsibility of owners of public places.

It shall be unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of 18 between the hours of 11:00 p.m. and 5:00 a.m.

§ 75-6. Responsibility of parents or guardians.

It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 18 to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the city between the hours of 11:00 p.m. and 5:00 a.m. However, the provisions of this section do not apply to a minor accompanied by his/her parent, guardian, custodian or other adult person having the care, custody or control of the minor or if the minor is on an emergency errand or specific business or activity directed by his/her parent, guardian, custodian or other adult having the care and custody of the minor or if the parent, guardian or other adult person herein has made a missing person notification to the Police Department.

§ 75-7. Special functions.

Any minor attending a special function or entertainment of any church, school, club or other organization that requires such minor to be out at a later hour than that called for in § 75-4 shall be exempt from the provisions of § 75-4 of this chapter, provided that the church, school, club or other organization shall register in advance with the Chief of Police or his/her designate to have the minors stay out to this later hour. The registrant shall state the time the function or entertainment shall end, and the minors who attend the function shall be required to be in their homes or usual places of abode within one-half (1/2) hour after the function is ended.

§ 75-8. Procedure upon violation.

- A. Any police officer, upon finding a minor in violation of § 75-4, shall ascertain the name and address of such minor and warn the minor that he/she is in violation of curfew and shall direct the minor to proceed at once to his/her home or usual place of abode. The police officer shall report such action to the Chief of the Police Department, who in turn shall notify the parent, guardian or person having custody or control of such minor.
- B. If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his/her correct name and address or if the minor has been warned on a previous occasion that he/she is in violation of curfew, he/she shall be taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the county juvenile authorities.

§ 75-9. Violations and penalties.

Any minor violating the provisions of this chapter shall be dealt with in accordance with the law and procedure of the State of Maryland. Any parent, guardian or other adult person having the care and custody of a minor violating this chapter shall, after having been previously notified under § 75-8 of this chapter, be fined not more than \$1,000 for each offense.